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SIPDIS

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TAGS: [PHUM](#) [UNHRC](#)
SUBJECT: FIRST RAFT OF UPR RESOLUTIONS OFFERS VANTAGE POINT
FOR INITIAL EVALUATION

REF: A) GENEVA 96 B) GENEVA 107 C) GENEVA 311

Classified By: Deputy Chief of Mission Mark Storella. Reasons: 1.4 (b/d).

11. (C) SUMMARY: The Human Rights Council (HRC) completed its first experience with one of its key innovations, the Universal Periodic Review (UPR) mechanism, in its June 2008 Eighth Session. The Council adopted consensus resolutions on each of the 32 UPR reviews conducted so far. There was significant variety in how States under Review (SuRs) approached HRC action on their UPR reviews, from legalistic layouts of all voluntary commitments they would undertake in response to UPR recommendations to perfunctory restatements of the idealistic assertions they had made in the initial review session. Most importantly, the session helped clarify the ground rules for civil society participation. The debate on non-governmental organization (NGO) participation raised the usual regional tensions in the HRC. NGOs themselves showed positive signs of deliberate strategizing on how best to wield their limited influence. However, renewed attacks on their scope of action demonstrated that states wishing to safeguard the essential participation of NGOs in the process will have to be highly vigilant in future UPR reviews. END SUMMARY.

12. (U) The second week of the HRC's Eighth Session took up the final adoption of resolutions on the reports from the UPR working groups (WGs) of April and May, 2008. (Septel will discuss other aspects of that session.) The session offered an opportunity for SuRs to provide reactions to their UPR reviews and for the Council to evaluate the effectiveness of UPR so far. Many SuRs came back to the Council with more detail on which recommendations from fellow states they could agree to follow, with many (including France, UK, and Morocco) declaring their intention to reconsider significant portions of their national laws and treaty accessions. The majority of SuRs, however, did not add much information, and most did not send high level delegations (as they had done in the initial stage of the review).

13. (C) Other states intervened mostly to praise commitment implementation already begun by SuRs, though a few, notably Belgium, did not hesitate to point out interventions made during the earlier WG phase which the SuRs had ignored or brushed over (see reftel B). Our conversations with allies revealed that many capitals had been preoccupied with other issues at the Eighth Session or, in the case of the UK and France, by their own UPR. Therefore they had not focused on follow-up critique. Where the SuRs were European or Latin American, there were very few if any interventions from the floor, whereas, for SuRs from the African Group (AG) or the

Organization of the Islamic Conference (OIC), a slew of interventions praised the SuR's cooperation. Many of our interlocutors noted that such a pattern demonstrated that the AG and OIC have a coordinated, strategic approach to supporting each other in UPR. The Western Europe and Other Group (WEOG) did not really discuss UPR strategically in meetings and so had no coordinated strategy. The cookie cutter resolutions (see reftel A for other debates on UPR documents) created to adopt each report and any further contributions from these final discussions were adopted by consensus in all cases.

DEFINING A USEFUL SPACE FOR NGOS--OR NOT?

14. (U) Under UPR rules, NGOs were to be allowed to speak only in this plenary phase of the process (see reftel C). Hence, the first few reviews, as well as those of OIC countries considered later in the week, became a battleground for competing interpretations of the role NGOs should play. WEOG countries and other U.S. allies supported free rein for the NGOs and argued that the Institution Building text (which had established the modalities for UPR last year) spoke of "general debate." The AG and OIC also cited the IB text to claim this final discussion had been limited to WG outcome documents, and that, therefore, NGOs should not be permitted to bring up any issues not mentioned in the outcome document (e.g. criticism of an SuR that had not been previously mentioned). Council President Doru Costea resolved the question by saying that NGOs must base their remarks on the outcome document, but otherwise could otherwise comment freely.

15. (SBU) This led quick-thinking NGOs to carefully couch their remarks on additional issues or recommendations in the context of the outcome document, even if the connection was sometimes contrived. In several NGO brainstorming sessions on the margins of the Council session, an evident desire to weigh in as much as possible in the UPR process led to interesting strategizing. There was broad concern that the NGO source document compiled by the Office of the High Commissioner on Human Rights (OHCHR) prior to the WG meeting (reftel B) did not clearly feed into the document finally considered and adopted by the UPR working group. NGOs from Asia, especially, helped each other strategize about focused lobbying to ensure that their concerns were raised by states. The other NGO priority was to ensure that civil society representatives had a good outcome document to refer to when

addressing the HRC session adopting the report by resolution.

COMMENT

16. (C) The fireworks of the initial sessions of UPR seem to have largely died down as procedures became more finalized.

Upcoming sessions will show the extent to which lessons learned will result in stronger, more focused reviews. Most encouragingly, despite clear efforts on the part of countries that seek to water down the impact of the new UPR process, NGOs are fully engaged to take advantage of whatever options are left open to them. Defense on the floor from WEOG countries, as well as the compromise judgment call by President Costea, preserved a piece of invaluable NGO input to the UPR process. However, the fact that NGOs remain beholden to states for attention to their cause means that future iterations of UPR discussions will require staunch defense from those seeking to ensure that NGOs retain a significant voice in the UPR exercise.

TICHENOR